

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES**  
**JUNE 3, 2104**

Town of Andover  
36 Bartlet Street  
3rd Floor Conference Room  
7:45pm

**Conservation Members in Attendance:**

Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Phil Sutherland, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**Various Roadways in Andover**

**Present in Interest: Keith Saxon**

*Staff Recommendation: Accept Waivers, Approve as Neg.3 and Neg.6.*

Public Hearing on a Request for Determination of Applicability filed by the Town of Andover DPW under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed reclaiming and resurfacing of various roadways at **Brookfield Rd., Carlisle Rd., Corbett St., Dumbarton St., Fox Hill Dr., Haggetts Pond Rd., Juliette St., Liberty St., Pasho St., Pleasant St., Rock Ridge Rd., Sutherland St., Topping Rd., Washington Ave., Woodcliff Rd., River Rd., and Jenkins Rd.**

Agent Cleary presented this to the Commission. The filing is under the WPA only. The project consists of roadway improvements on various roadways, including the WPOD and Riverfront. Stormwater infrastructure will be protected. There are no changes in grading and the work will be within the existing roadway. Waivers are required for plan requirements.

Keith Saxon questioned the protection of the catch basins for the project. He provided a handout of protection the state is using for their roadway projects. This includes a heavy duty guard with silt sacks. He also requested decals be placed on all the catch basins stating that no dumping is allowed into the catch basins.

Staff to contact Chris Cronin to determine the specs of the protection being used for the catch basins and if the decals will be applied.

Vice Chairman Walsh asked for a Motion. Commissioner Honea made a Motion to accept the waivers; it was seconded by Commissioner Sutherland and unanimously approved.

Commissioner Honea made a Motion to Approve as Neg.3 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

## **25 Enfield Drive**

**Present in Interest: Nicholas Angelos, Mary Angelos, Nicole Angelos and Peter Theriault**

*Staff Recommendation: Approve as Pos.2b and Neg.3*

Public Meeting on a Request for Determination of Applicability filed by Nicholas Angelos under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an addition with a foundation and garage at **25 Enfield Drive**.

Agent Cleary presented this to the Commission. The filing is under the WPA and is a backyard project. Waivers are requested for the inability to meet setbacks for structures. The Applicant is not moving into the tree line and is willing to place non-disturb bounds at the current edge of lawn. Staff is not ruling on the accuracy of the boundary, unless a revised plan is received. Commissioner Porter asked that the Applicant maintain the 25 foot no-disturb on the entire lot by placing the non-disturb markers on the 25 foot no-disturb line and allowing the portion of the lawn within the 25 foot no-disturb to revegetate. The Applicant agreed to install the bounds as indicated by Commissioner Porter.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to accept the waivers; it was seconded by Commissioner Driscoll. Commissioner Porter made a Motion to approve as Pos.2b and neg.3 with the amendment to install bounds at 25 foot no-disturb line; it was seconded by Commissioner Driscoll and unanimously approved.

## **Tewksbury Street, Chester Street and Center Street**

**Present in Interest: Keith Saxon**

*Staff Recommendation: Approve as Pos.5 and Neg.3.*

Public Hearing on a Request for Determination of Applicability filed by the Town of Andover DPW under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed water main improvements at **Tewksbury Street, Chester Street and Center Street**.

Vice Chairman Walsh recused himself from this hearing. Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law due to enlargements of the water main. Waivers are requested for plan requirements and work within the 25 foot no-disturb area due to the nature of the linear project. A portion of the work will be within Clark's Brook, but complies with regulations under 310CMR 10.58(4)(d). Stormwater infrastructure will be protected.

Keith Saxon requested the same catch basin protection as in the previous roadway public hearing and the application of the decals.

Commissioner Sutherland asked for a Motion. Commissioner Driscoll made a Motion to accept the waivers; it was seconded by Commissioner Greenwood and unanimously approved.

Commissioner Driscoll made a Motion to approve as Pos.5, and Neg.3; it was seconded by Commissioner Porter and unanimously approved.

## **5 Mercury Circle**

**Present in Interest: Katie Wallace**

*Staff Recommendation: Approve.*

Continued Public Hearing on a Request for Determination of Applicability filed by Katie Wallace under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of an arch bridge and trail at **5 Mercury Circle**.

Mr. Douglas presented this to the Commission. This was continued from May 20, 2014 to allow staff to obtain further information from the Applicant. The Applicant provided the specifications for the proposed bridge. The bridge will rest on pressure treated lumber rather than concrete footings. This bridge is being constructed similarly to the other bridges constructed on Conservation Property.

Commissioner Greenwood asked that any cutting be done away from the resource area.

Vice Chairman Walsh asked for a Motion. Commissioner Greenwood made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

Commissioner Honea left the meeting at 8:30pm.

## **29 Boutwell Road**

**Present in Interest: Jeff Bridge, John Boardman, Matthew Ireland and Joyce Huizing**

*Staff Recommendation: Close the Public Hearing.*

Continued Public Hearing on a Notice of Intent filed by Belvidere Hill Group, LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed installation of a looping water main from **Boutwell Road to Knollcrest Drive**.

Mr. Douglas presented this to the Commission. This was continued for a peer review, which was completed by Jeff Bridge. This project consists of the installation of a water main across a wetland from Knollcrest Drive to Boutwell Road within a 20 foot wide utility easement.

Jeff Bridge reviewed his findings and recommendations with the Commission. He discussed the request of the Commission to minimize the cutting of trees during the project. Jeff recommended that prior to the commencement of work, the Commission review and approve the marked trees slated for removal. There shall be no tree clearing or alteration beyond the existing 20 foot wide utility easement. In-stream work shall be performed during no flow or low flow conditions. If work to be done in low flow then a temporary stream bypass shall be installed and presented to the Commission for review prior to implementation.

Joyce Huizig, an abutter expressed her concern with the work being done on her property and the trees being removed and work done during the summer. The Applicant agreed to minimize the tree clearing and any trees cleared beyond the 12 foot wide access pathway will be replaced.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to close the public hearing and issue the OOC at the next meeting; it was seconded by Commissioner Driscoll.

#### **41 Porter Road**

**Present in Interest: Bill MacLeod**

*Staff Recommendation: Close the Public Hearing and Issue Order of Conditions.*

Public Hearing on a Notice of Intent filed by Fieldstone Meadows Development Corp. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a new single family dwelling and appurtenant grading at **41 Porter Road.**

Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law for the construction of a new dwelling. Revised plans have been submitted reflecting flagging changes by staff and placement of non-disturb markers. Waivers are requested for temporary work in the 25 foot no-disturb for installation of utilities. All setback requirements are being met.

Commissioner Porter inquired if there was a hydrological connection between the 2 wetlands shown on the plan. Mr. MacLeod informed the Commission that there is flow, but no pipe has been found to connect the 2 wetlands. If a pipe is found during construction, it will be replaced and staff will be contacted.

Vice Chairman Walsh asked for a Motion. Commissioner Sutherland made a Motion to approve the waivers; it was seconded by Commissioner Porter and unanimously approved.

Commissioner Greenwood made a Motion to close the public hearing and issue the Order of Conditions it was seconded by Commissioner Sutherland and unanimously approved.

## **6 Manning Way**

**Present in Interest: Bill MacLeod**

*Staff Recommendation: Close the Public Hearing and Issue the Order of Conditions.*

Public Hearing on a Notice of Intent filed by Fieldstone Meadows Development Corp. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a single family dwelling, driveway, grading and utilities at **6 Manning Way**.

Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law for the new construction of a single family home. Revised plans have been received reflecting flagging changes by staff. The driveway has been reconfigured to meet the 30 foot setback requirement. The applicant has incorporated rooftop infiltration. The existing tennis court will be removed.

Vice Chairman Walsh asked for a Motion. Commissioner Greenwood made a Motion to close the public hearing and issue the Order of Conditions; it was seconded by Commissioner Sutherland and unanimously approved.

## **9 Union Street**

**Present in Interest: Maureen Hanley; Richard Krafton, Diane Krafton and Keith Saxon**

*Staff Recommendation: Close the Public Hearing and Issue Order of Conditions.*

Public Hearing on a Notice of Intent filed by Richard Krafton under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed installation of a new 6" sewer line to an existing sewer line and construction of a single family dwelling at **9 Union Street**.

Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law. The lot is jurisdictional (Riverfront) but not construction of a the new dwelling, only the sewer connection is jurisdictional. All resources were confirmed under an ORAD issued November 22, 2013 for the Riverfront Area, Bordering Land Subject to Flooding and Bordering Vegetated Wetlands. The Order of Conditions will be conditioned that the lot is jurisdictional and the engineer will submit an affidavit that the foundation of the new dwelling, once is place, is outside the 100 foot buffer zone. The 100 foot buffer zone must be staked by an engineer prior to the commencement of work. A revised plan has been received that depicts NDZ markers above the 100 year flood plain and proximate to the 200 foot Riverfront Area line agreed by staff.

Maureen Hanley presented the project on behalf of the Applicant. There will be temporary work within the buffer zone and she will provide staff with a revised plan this week indicating those changes.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to close the public hearing and issue the Order of Conditions; it was seconded by Commissioner Greenwood and unanimously approved.

**ACTION ITEMS:**

**165 Haverhill Street**

**Present in Interest: Rich Feldman**

*Staff Recommendation: Approve*

Request for approval of Minor Modification to approved Plans.

Commissioner Greenwood made a Motion to find the changes not significant; it was seconded by Commissioner Driscoll and unanimously approved.

**83 Porter Road**

**Present in Interest: Tara Wilson**

*Staff Recommendation: Table to June 17, 2014.*

Request for Finding of Significance of changes to as-built cellar drain location, as-built foundation elevations and removal of 4 trees.

At Applicant's request, this item was tabled to June 17, 2014 with no discussion.

**15 Stevens Street-Mill Bldg. 1 and 2**

**Present in Interest: Paul Finger**

*Staff Recommendation: Approve as Insignificant Change.*

Request for Finding of Significance of changes as to replacement of the emergency generator, relocation of transformer and construction of a 4<sup>th</sup> floor deck and repair to walkway per 310CMR 10.58(5).

Commissioner Greenwood made a Motion to find the changes Insignificant; it was seconded by Commissioner Sutherland and unanimously approved.

**85 Porter Road**

*Staff Recommendation: Issue Order of Conditions and Lift Enforcement Order.*

Issuance of Order of Conditions and lift Enforcement Order.

Commissioner Sutherland made a Motion to lift the Enforcement Order and issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

**87 Porter Road**

*Staff Recommendation: Issue Order of Conditions and Lift Enforcement Order.*

Issuance of Order of Conditions and lifting of Enforcement Order.

Commissioner Porter made a Motion to lift the Enforcement Order and issue the Order of Conditions; it was seconded by Commissioner Sutherland and unanimously approved.

**15 County Road**

*Staff Recommendation: Issue Order of Conditions.*

Issuance of Order of Conditions.

Commissioner Porter made a Motion to issue the Order of Conditions; it was seconded by Commissioner Sutherland and unanimously approved.

**CONSENT AGENDA:****Minutes**

Approval of minutes from May 20, 2104.

**3 Cottonwood Circle**

Issuance of Satisfactory Completion of Work Certificate.

**83 River Street**

Issuance of Satisfactory Completion of Work Certificate.

Commissioner Porter made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Sutherland and unanimously approved.

## **LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

### **Tennessee Gas Pipeline**

#### **Present in Interest: Katie Wallace**

Discussion and update of proposed gas pipeline, within a 50 foot wide easement, running from New York to Dracut, MA. There is a large portion going through Fish Brook North watershed, the Smith Reservation, Wood Hill, Harold Rafton Reservation, the Retelle Reservation and Fish Brook. Commissioner Driscoll informed the Commission that Buzz will host a public meeting on June 18, 2014 at 7:00pm at Wood Hill School. MACC drafted a strong letter to the Governor asking the pipeline be relocated along the MA Pike which is already disturbed. Tennessee Gas will utilize Town access to cross under the Merrimack River. There is expected to be extensive use of herbicides to keep vegetation down.

### **2014 Deer Hunt**

Deer Hunt continues to be successful and often a model for other Towns implementing a hunting program. Lightning Tree Reservation will be added this year as well as the Sanborn Reservation which is owned by AVIS. Pole Hill will not be able to be accessed by the roadway. Commissioner Driscoll stated that she will endorse the deer hunt this year.

Commissioner Driscoll made a Motion to Approve the 2014 Deer Hunt; it was seconded by Commissioner Greenwood and unanimously approved.

### **83 Porter Road**

#### **Present in Interest: Tara Wilson**

Discussion regarding request for waiver of peer review fees.  
Tabled to June 17, 2014 at Applicant's request.

**The next meeting will be held June 17, 2014 at 7:45pm.**

**The meeting was adjourned at 9:55 pm by Motion of Commissioner Sutherland and seconded by Commissioner Driscoll and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**